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10/827,398

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Peter T. Aylward

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Paul A. Leipold, Patent Legal Staff,
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

WALKE, AMANDA C

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/827,398
Filing Date: April 19, 2004
Appellant(s): AYLWARD ET AL.

Lynne M. Blank
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/14/2008 appealing from the Office action mailed 9/24/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,612,283	CAMPBELL	3-1997
6,476,842	CHANG	11-2002
2003/0038174	JONES	02-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (5,612,283) in view of Chang (6,476,842) and Jones (2003/0038174).

Campbell discloses a dye-receiving element for thermal dye transfer comprising a support having on the front side thereof, in order, a biaxially-oriented composite film laminated thereto and a dye image-receiving layer, the composite film comprising a microvoided thermoplastic core layer and at least one substantially void-free thermoplastic surface layer, the support having on the back side thereof a biaxially-oriented transparent film laminated thereto which has a light transmission of at least 70%, the ratio of thickness of the transparent film to the composite film being from about 0.45 to about 0.75. Due to their relatively low cost and good appearance, composite films are generally used and referred to in the trade as "packaging films." The low specific gravity of microvoided packaging films (preferably between 0.3-0.7 g/cm.^{sup.3}) produces dye-receivers that are very conformable and results in low mottle-index values of thermal prints. These microvoided packaging films also are very insulating and produce dye-receiver prints of high dye density at low energy levels. The nonvoided skin produces receivers of high gloss and helps to promote good contact between the dye-receiving layer and the dye-donor film. This also enhances print uniformity and efficient dye transfer. In products made by a typical extrusion lamination process, back printing labels, water marks and logos are applied directly to the back side of the paper support stock with inks applied by a gravure printing process. It would be desirable to have such "back printing" indicia be visible, however, the reference is not specific as to the method of printing the indicia.

Chang discloses a method of printing indicia employing a thermal dye transfer to a substrate (column 3, line 61-column 4, line 8).

Given the teachings of the references, it would have been obvious to one of ordinary skill in the art to prepare the material of Campbell choosing to employ the improved method of forming an indicia taught by Chang with reasonable expectation of achieving a support having good light transmission.

Neither reference teaches the addition of a protective overcoat formed over the indicia. Jones teaches that it is advantageous to provide an overcoat on the layer containing the indicia after being printed as to protect it and prevent it from bleeding ([0029]).

Given the teachings of the reference, it would have been obvious to one of ordinary skill in the art to prepare the material of Campbell in view of Chang choosing to employ a protective layer after the indicia is printed.

(10) Response to Argument

Appellant has argued that the references of record may not be combined as Campbell discloses only thermal printing but only on the front-side of the element, Chang discloses thermal printing on the back side of an element, but no protective layer, and that Jones uses an overcoat, but that it is placed over a image receiving layer. First, Campbell teaches a material quite similar to that of the instantly claimed invention. The Support of Campbell comprises a biaxially-oriented composite film laminate onto the back side of a support and on the front side, an additional biaxially-oriented film and an image receiving layer. The backing material may have the typical marking such as "back printing" indicia (column 2, lines 1-32). While the transfer image receiving layer is on the front side of the support, the reference clearly teaches a

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film capable of being printed on and having "back printing" indicia thereon. The reference material for the backing layer is comparable to the polymeric backing "indicia receiving layer" on the back of the support of the instant specification and examples. Given that the reference is silent with respect to the method of printing the indicia on the backing layer, one of ordinary skill in the art would have been motivated to employ any known method. The method taught by the Chang reference is a "more recent" thermal transfer printing process to produce indicia on a surface, typically a piece of coated paper such as that of Campbell (polymer coated paper substrate) to improve the color characteristics and quality of the image (column 1, 8-19 and 44-62). Given that this is a method that is starting to be employed to print indicia on various surfaces, it would have been obvious to add the indicia to the backing layer of Campbell employing a new and advantageous method of Chang. Furthermore, while the Chang reference does not teach the inclusion of a protective layer on the image, nor does Campbell, the Jones reference clearly teaches that it is preferable to include such a coating to protect the indicia and prevent dye bleeding [0029]. With respect to the inventive samples in the instant specification which are said to demonstrate unexpected results when the protective layer is employed, the stated improvements are to be expected from the teachings of the Jones reference, and are therefore, not persuasive.

The references each teach known materials and methods, and when these known teachings are employed in combination, the end result is a method which falls within the scope of the instantly claimed invention. The examiner respectfully disagrees with appellant's arguments for the reason set forth above, and maintains her rejection.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Amanda C. Walke

/Amanda C Walke/

Primary Examiner, Art Unit 1795

Conferees:

Cynthia H. Kelly

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795

/Gregory L Mills/

Supervisory Patent Examiner, Art Unit 1700